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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,717	09/26/2003	Mark Willer	066042-9415-01	1118

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EXAMINER

ALIE, GHASSEM

ART UNIT	PAPER NUMBER
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3724

MAIL DATE	DELIVERY MODE
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01/24/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/672,717

Applicant(s)

WILLER ET AL.

Examiner

Ghassem Alie

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-8, 10-11, 16 and 46-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-8, 10-11, 16 and 46-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Election/Restrictions

1. Applicant's election without traverse of Group I (claims 6-8, 10-11, 16, and 46-49) and Species II (Figs. 14-44) in the reply filed on 11/06/07 is acknowledged.

It should be noted that as applicant point out his remarks, the restriction requirement mailed on 10/31/07 includes a couple of mistakes which should be corrected. In the restriction requirement mailed on 10/31/07, in Item 2, in connection with Invention I; "Claims 9-8, 10-11, 16, and 46-49, 4" should have been --Claims 6-9, 10-11, 16, and 46-49--. In item 2, in connection with Invention III; "Claims 50-51, 54, 56-57, and 60" should have been --"Claims 50-51, 53-54, 56-57, and 60--.

It should also be noted that non-elected claims 17-18, 20, 50-61 are cancelled. Currently, claims 6-8, 10-11, 16, and 46-49 are pending.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 46 and 47 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 46, "a spring engagble with the quick-locking member to releasbly retain the quick-locking member in a first position" is not accurate. It should be noted that the spring 232 in Fig 29 is part of the quick-locking member. Therefore, claim 46 should recite that the quick licking member includes a spring fro retaining the third member in a first or locking position. Regarding claim 47, "the quick-

locking member includes an over-center biasing latch” is confusing. It should be noted that the over-center biasing latch is defined by one of the three members set forth in claim 16 and shown in Fig. 29. Therefore, claim 47 should recite that that one of the members defines an over-center biasing latch. Otherwise, applicant should clearly state what elements define the three member and the over-center biasing latch of the quick-locking member.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6-8, 10-11, 16 and 46-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (DE 298 15 937 U1) in view of Reynolds (4,382,334) and in further view of Cnockaert et al. (5,924,533), hereinafter Cnockaert. Regarding claim 16, Chen teaches circular saw 1, including a housing 22 and a motor 15 at least partially positioned within the housing and operable to drive a circular saw 14. Chen also teaches a shoe plate 13 connected to the housing and engageable with a surface of a workpiece to support the circular saw upon the workpiece and the circular saw 14 is disposed both below and above the shoe plate 13. Chen also teaches a cover 24, 26 selectively connectable to the housing and the cover at least partially covering the circular saw blade 14 when the cover is connected to the housing 12. Chen also teaches a quick-locking member 34 connected to one of the housing and the cover and engageable with the other of the housing and the cover to

selectively lock the cover to the housing without the use of tools. Chen also teaches that the quick-locking member 34 has a first position, in which the quick-locking member engages the cover to lock the cover to the housing and a second position in which the housing-locking member is disengaged from the cover and the cover is not locked to the housing. See Figs. 1-2 and entire page 5 in Chen. Chen does not teach that the quick-locking member is pivotable between the first position and the second position. Chen also does not teach that the quick-locking mechanism includes a first member connected to the housing; a second member pivotally connected to the first member; a third member being engageable with the cover to selectively lock the cover to the housing; and the third member is engageable by a user to move the third member into and out of engagement with the cover to lock and unlock, respectively the cover from the housing.

However, the use of a quick-locking member as a latch that is pivotable between a first position and a second position for locking and unlocking a cover of a box or a housing is well known in the art such as taught by Reynolds. Reynolds teaches a cover 46 selectively connectable to the housing 12, 14 of a cutting apparatus 10. Reynolds also teaches that the cover 46 at least partially covering the saw blade when the cover is connected to the housing. Reynolds also teaches a quick-locking member 49 connected to one of the housing and the cover and engageable with the other of the housing and the cover to selectively lock the cover to the housing without the use of tools. Reynolds also teaches that the quick-locking member 49 has a first position, in which the quick-locking member engages the cover to lock the cover to the housing and a second position in which the housing-locking member is disengaged from the cover and the cover is not locked to the housing. Reynolds also teaches

that the quick-locking member 49 is pivotable between the first position and the second position. Reynolds also teach that the quick-locking member includes a first member 53 connected to the housing 12, 14, a second member 57 connected to the first member and pivotable relative to the first member. See Figs. 1-4 and col. 3, lines 35-68 and col. 4, lines 1-49 in Reynolds. It should be noted that the cover could have a hinge that is connected to the one side of the cover and the housing. In this case, the parts could be arranged in a manner that Reynolds' quick-locking mechanism 49 would be located on the first side of the cover 24, 26 in Chen and the hinge would be located opposite to the first side. It would have been obvious to a person of ordinary skill in the art to provide Chen's apparatus, with the quick-locking mechanism, as taught by Reynolds, in order to facilitate the separation of the cover from the housing.

Chen, in view of Reynolds, does not teach that in addition to the first and second member the quick-locking mechanism includes a third member. However, Cnockaert teaches a locking mechanism for locking a cover 12 to a housing 11. Cnockaert also teaches that the locking mechanism includes a first member 30 connected to the housing 11; a second member 31 pivotally connected to the first member 30; a third member 33 being engageable with the cover to selectively lock the cover to the housing; and the third member 33 is engageable by a user to move the third member into and out of engagement with the cover to lock and unlock, respectively the cover from the housing. See Fig. 6 in Cnockaert. It would have been obvious to a person of ordinary skill in the art to provide Chen's apparatus, as modified by Reynolds, with the quick-locking mechanism, as taught by Cnockaert, in order

to ensure that the latch of the quick-locking mechanism firmly is engaged with the hook of the cover.

Regarding claims 6, Chen, as modified above, teaches everything noted above including that the cover 12 defines a recess 45 and the quick-locking member includes a locking portion 44 engageable with the recess to lock the cover to the housing. See Fig. 6 in Cnockaert.

Regarding claims 7, Chen teaches that the cover 24, 26 at least partially covers a portion of the circular saw blade 14 above the shoe plate 13.

Regarding claims 8, Chen, as modified by above, teaches everything noted above including that the quick-locking member is a latch. See Fig. 6 in Cnockaert.

Regarding claims 10, Chen, as modified by above, teaches everything noted above including that the housing defines a handle portion gripable by a user and the quick-locking member being connected to the housing near the handle portion. It should be noted that the quick-locking member in Chen and Reynolds is near the handle portion.

Regarding claim 11, Chen, as modified above, teaches everything noted above including a second locking assembly cooperating with the quick-locking member to selectively lock cover to the housing. It should be noted that the hinge structure between the cover and the housing in Reynolds and Cnockaert is considered to be the second locking mechanism.

Regarding claim 46, Chen, as modified above, teaches everything noted above including a spring 38, 51 engageable with the quick locking member to releasably retain the quick-locking member in the first position. See Figs. 6-7 in Cnockaert.

Regarding claim 47, as best understood, Chen, as modified above, teaches everything noted above including that quick-locking member includes an over-center biasing latch 31. It should be noted that the second member could be defined by element 50 which is pivotally mounted to first member 30 via the over-center biasing latch 31. See Figs. 6-7 in Cnockaert.

6. Claims 48-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen in view of Reynolds and Cnockaert, as applied to claim 16, and in further view of Prairie, Jr. (5,317,108), hereinafter Prairie. Regarding claims 48-49, Chen, as modified above, teaches everything noted above including a second locking assembly cooperating with the quick-locking member to selectively lock cover to the housing. It should be noted that the hinge structure between the cover and the housing in Reynolds and Cnockaert is considered to be the second locking mechanism. Chen, as modified above, does not teach that the second locking member includes a hook member attached to the housing and a pin attached to the cover and engages the hook. However, the use of hinge member that includes a hook and a pin is well known in the art such as taught by Prairie. Prairie teaches a cover 14 includes pin 54a, 54b engageable with a hook 38a, 38b of a housing 12. It should also be noted that the cover 14 engages the hook member at a first end and a quick-locking member at the other end. See Figs. 1-2 in Prairie. It would have been obvious to a person of ordinary skill in the art to replace the second locking mechanism in Chen's apparatus, as modified above, with the locking mechanism which includes a hook and a pin, as taught by Prairie, in order to facilitated removal of the cover from the housing.

Response to Arguments

7. Applicant's arguments with respect to claims 6-8, 10-11, 16 and 46-49 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (571) 272-4501. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, SEE <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (too-free).



Ghassem Alie
Patent Examiner
Art Unit 3724

GA

January 18, 2008